

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is the mother of a twelve-year-old girl who applied for orthodontic services in May of this year after developing acute pain in her back molars. The girl was supported in her request by her orthodontist who diagnosed her as having a "class II, skeletal anterior and posterior openbite with increased overjet". On a form provided by the Department, her orthodontist was informed that the child would only be eligible for comprehensive orthodontic treatment if she had a malocclusion severe enough to meet a minimum of 1 major or 2 minor diagnostic treatment criteria provided in a list on the page. The orthodontist confirmed that the child only met one minor criteria but asked that she be considered for treatment because even though she "occludes only on second

molars bilaterally" he felt she had developed TMJ and tooth pain related to her bite. The treatment was expected to alleviate the problem, would take about two years and would cost \$3,880.

2. The Department reviewed this information and denied the petitioner in a letter dated May 16, 2000 because the child's problem was "not severe enough" to meet the criteria for comprehensive orthodontic treatment.

3. The petitioner appealed that decision submitting a further medical report from a dentist certified in orofacial pain stating that the child has dental pain of "PDL" origin. He stated further that she has "anterior open bite and bilateral posterior crossbite combined with chronic bruxism (clenching) [which] has resulted in trauma from occlusions. No signs or symptoms of TMD in spite of questionable appearance of Right condyle on panelipse".

4. The petitioner's daughter has been advised to take Advil or Tylenol for the pain but she cannot tolerate those medications. She continues to be in pain and the pain is expected to continue until she can receive some treatment for the problem. The petitioner was unaware of and had not requested coverage of orthodontic treatment under the M108 exception process at the time of the hearing.

ORDER

The decision of the Department is affirmed.

REASONS

Orthodontic treatment is available to Medicaid recipients under the age of twenty-one in order to correct a severe malocclusion. Services are limited to medically necessary treatment only as defined in the regulations. M622.4. Medically necessary treatment consists of a condition having "one major or two minor malocclusions according to diagnostic criteria adopted by the department's dental consultant." M622.4. Under the regulations, a "single minor malocclusion is not covered" unless authorized for coverage via the M108 exception process. M622.6.

The petitioner's child has a documentation of only a single minor malocclusion. As such, she cannot receive orthodontic coverage for her condition under the standard preauthorization rules. The Department was thus correct in denying her on that basis. The petitioner does have the right under M622.6 and M108 in the regulations to seek coverage of the orthodontic work as an exception to the usual coverage rules. That process requires the petitioner to file a special

form providing very specific information about her daughter's condition which is backed up by documentation from her medical providers. As part of this process, the petitioner's allegations of pain and other extenuating circumstances will be considered and evaluated by the Department, ideally within a thirty day period. See M108. If coverage continues to be denied through that process, the petitioner can ask for review of the Department's decision through a new appeal to the Human Services Board.

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